

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOHN M. ISLEY,

Plaintiff,

v.

MARK BAIRD, *et al.*,

Defendants.

Case No. C13-175-JCC-JPD

REPORT AND RECOMMENDATION

On January 29, 2013, plaintiff John Isley submitted to this Court for filing a proposed civil rights complaint. (*See* Dkt. No. 1.) However, plaintiff failed to submit with his complaint either the \$350 filing fee or an application for leave to proceed with this action *in forma pauperis*. Accordingly, the Clerk sent plaintiff a letter advising him that he would have to submit either the entire filing fee, or an application for *in forma pauperis* status, on or before March 1, 2013, and that his failure to do so could result in dismissal of this case. (Dkt. No. 3.) The Clerk also sent plaintiff a copy of the appropriate *in forma pauperis* application form. (*See id.*)

01 On February 6, 2013, the Court received an *in forma pauperis* application from plaintiff,  
02 but the application was submitted on the wrong form. Thus, the Clerk sent plaintiff a letter  
03 advising him that he would either have to fill out and submit the proper form, or pay the filing  
04 fee, not later than March 11, 2013, and that his failure to do so could result in dismissal of this  
05 case. (Dkt. No. 5.) The Clerk also again sent plaintiff a copy the appropriate *in forma*  
06 *pauperis* application form. (*See id.*) To date, plaintiff has neither paid the filing fee nor  
07 submitted a corrected application for leave to proceed *in forma pauperis*.

08 As plaintiff has had ample time to comply with the filing fee requirement, but has failed  
09 to do so, this Court recommends that the instant action be dismissed without prejudice for  
10 failure to prosecute. A proposed order accompanies this Report and Recommendation.

11 DATED this 2nd day of May, 2013.

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14 JAMES P. DONOHUE  
15 United States Magistrate Judge  
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